IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9663 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SONIBEN WD/O PARSING RUPABHAI NAYAK - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR BN RAVAL for Petitioner(s) : 1,
None for Respondent(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 15/11/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the original petitioner, widow of Parsing Rupabhai Nayak who was serving as a Kotwal, who has retired on 28-11-1979, has prayed for an appropriate

order directing the respondents to grant pensionary benefits which is available on the death of her husband as per the Government resolution dated 15-2-1991 till he was expired. It is also further prayed for an appropriate order directing the respondents to grant pensionary benefits to the petitioners after the death of the petitioner-husband as per the Government rules and regulations.

2. The learned advocate appearing on behalf of the petitioner is not available as it is reported that he has settled in America and has left the practice. Considering the fact that the petitioner was Adivasi and as nobody appeared on behalf of the petitioner, this Court directed Ms Maithili Mehta, learned AGP to get necessary instructions whether what is the position of the petitioner and whether any pensionary benefits have been paid to the petitioner or not and she was directed to see that responsible officer from the Collector office go to the village where the petitioner was residing and pursuant to which Mamlatdar, Morva-Hadaf has inquired and it is found that the original petitioner has already expired before three years leaving behind her one Gulabsing Parsing, son of the petitioner as well as the

deceased employee. She has also submitted that one Shri AS Pathan, Mamlatdar, Morva-Hadaf is personally present in the Court and has made a statement that petitioner was paid provisional pension and the difference in the actual pension is required to be paid to the heir of the petitioner. He has also further submitted that the said amount will be paid to the son of the petitioner within a period of one month from today.

3. Accordingly by disposing of this petition, the respondents are directed to pay the difference in the pension to the son of the petitioner within a period of one month from today and inform this Court accordingly. The Collector, Panchmahal is directed to see that the aforesaid amount is paid to said Shri Gulabsing Parsing, son of the petitioner without fail and it must reach to Gulabsing Parsing only.

4. With this, the present petition is disposed of. Rule discharged. No costs.

(M.R.SHAH,J.)

shekhar/-